REMARKS

The Examiner is thanked for his Office Action.

Claims 1-15 are pending in the application.

With regard to the Examiner's statement regarding the Applicant acting as his own lexicographer, Applicant respectfully notes that *In re Fine* (837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)) has nothing at all to do with the issue, and certainly does not state what the Examiner asserts that it does. If an Applicant desires to define (or redefine) a claim term, the Applicant need only to clearly do so, such as in paragraph 0008 of the present specification. See, for example, MPEP 2173.05(a).

With regard to the IDS filed February 16, 2007, the Examiner is correct that no publication date was listed for the various pages retrieved from the Microsoft website at that time. Neither the Applicant nor the undersigned knows the publication date of any of that information, and have no reason to believe that any specific part of it qualifies as prior art to this application, since, as the Examiner notes, such web-based information may change over time. The links and corresponding hardcopies were simply provided in an attempt to assist the Examiner with as much information as possible. Similarly, as Applicant cannot determine the effective dates of those pages, Applicant could not attempt to "swear behind" the references in the previous response, as the Examiner suggests.

As noted in the previous response, neither Applicant nor the undersigned possesses any further documentation; any prior art of which either is aware has been properly disclosed in this application.

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Applicant also notes the Examiner's statement that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action." This statement is not understood, as the rejections here appear to be the same made in the previous Office Action. However, to the extent there is any new art rejection, Applicant respectfully notes that no new rejection over new art can properly be made final as to claims 1-10, as these claims have not been amended at all.

All claims were rejected, all rejections are traversed.

Reconsideration of the claims is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1, 6 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by LDAP Programming with JAVA, by Rob Weltman et al., published 2000, hereinafter "Weltman". This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-76 (8th ed., rev. 4, October 2005) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

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Claim 1 requires:

> receiving a first function call in a first programming language;
> translating the first function call into a second function call in a second programming language;
> transmitting a lightweight directory access protocol function call, corresponding to the second function call, to a software service;
> receiving results from the software service;
> formatting the results to correspond to the first programming language; and
> returning the formatted results

Claims 6 and 11 have similar limitations. Weltman does not teach or suggest these limitations.

Weltman, at the pages referenced by the Examiner, describes a JavaScript function creates an "LDAPConnection" object; extracts various parameters from HTML form elements, and performs a subtree search (page 251). Weltman also appears to teach converting Java datatypes to JavaScript datatypes (page 250).

Weltman, of course, teaches receiving a first function call in a first programming language (as virtually any programming reference would). Weltman does not appear to teach or suggest (and certainly does not teach or suggest at these particular pages) translating that first function call into a second function call in a second programming language, whether the first and second programming languages are seen to be Java, JavaScript, or otherwise.

Weltman mentions an LDAPConnection object and MyLDAP class, and the code segments appear to descript connected to an LDAP host, but Weltman does not appear to teach or suggest (and certainly does not teach or suggest at these particular pages) transmitting a

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lightweight directory access protocol function call to a software service, where the LDAP

function call corresponds to the second function call (which must be in a second programming

language, translated from a first function call in a first programming language).

The Examiner makes a remarkable response (entire paragraph *sic*):

> A programming language has syntax and semantics. In the
> broadest reasonable interprestation in view of the Specification, the
> classes as mentioned by MyLDAP class and the relationship to the
> other classes is a programming language. In Object Oriented
> programming class modeling represent the runtime object. The
> function calls modeled in a class structure have syntax and
> semantics and model the runtime object which as a syntax and
> semantics.
>
> More specific to the rejection, the way Weltman describes the
> working of LDAP is a look up process to determine the service to
> execute. That process was considered inherent to LDAP and is
> described on pages 243-244.

The Examiner appears to be stating that the various classes discussed by Weltman are

each, in themselves, separate programming languages. This is unsupported in the art, and as a

general statement, is incorrect. Weltman does mention various languages in the cited pages, but

does not teach or suggest any of the claimed translations, and does not indicate in any way that

each class is a different language. The Examiner specifically alleges that the claimed first

programming language is disclosed by Weltman as JavaScript, and the second programming

language is Java – but there is no teaching or suggested in Weltman of receiving a first function

call in a JavaScript and translating the first function call into a second function call in a Java.

There is no such translation of functions calls, and the Examiner has completely failed to identify

any such.

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The Examiner's statement with regard to "the working of LDAP" appears to have no specific relevance to the claim limitations.

Weltman does include code that appears to receive code from a software service on page 252. Weltman does not appear to teach or suggest (and certainly does not teach or suggest at these particular pages) formatting the results to correspond to the first programming language, whether the first programming language is considered to be Java or JavaScript or otherwise, and returning the formatted results.

As such, it is clear that Weltman does not teach or suggest all limitations of the independent claims. Accordingly, the Applicant respectfully requests the Examiner to withdraw the § 102 rejection with respect to these claims.

Applicant respectfully noted in the previous response that the Examiner's general reference to terms used in Weltman's disclosure has been insufficient to allow Applicant to determine where exactly the Examiner believes each method step of claim 1 is taught. That is, Applicant is unable to determine where the Examiner believes various elements are received, translated, transmitted, formatted, and returned, and specifically which elements of Weltman the Examiner believes are being operated on for each of these steps.

As such, this does not even appear to be a *prima facie* anticipation rejection, as the Examiner's cursory reference to these pages and terms complete fails to make any showing tha the claim elements are taught by Weltman. Applicant respectfully requests, <u>again</u>, that the Examiner identify specifically where he believes each step is taught by Weltman (*e.g.*, where are

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any results reformatted to the first programming language?), so that Applicant can fully and specifically address the Examiner's concerns.

If a telephone interview would be helpful in resolving any remaining issues, or if the Examiner has any suggestions for expediting this case to allowance, he is cordially invited to telephone the undersigned.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 2-5, 7-10 and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LSAP as taught by Weltman, in view of .NET as taught by Learning C#, Jess Liberty from 2002 hereinafter "MS". The Applicant respectfully traverses the rejection.

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a *prima facie* case of obviousness. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984)). It is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. (*Id.* at 1073, 5 USPQ2d at 1598). In so doing, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), *viz.*, (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*In*

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re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in

KSR   Int'l v. Teleflex Inc., 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

As MS does not teach or suggest the specific claim limitations as discussed above with

relation to the independent claims, the proposed Weltman/MS combination similarly fails to

teach or suggest the claim limitations, and these rejections are traversed.

Accordingly, the Applicant respectfully requests the Examiner to withdraw the § 103

rejection with respect to these claims.

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CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@munckbutrus.com*.
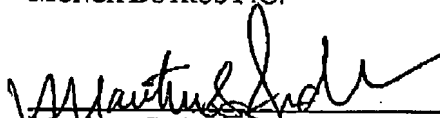
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0765.

Respectfully submitted,

MUNCK BUTRUS P.C.

Date: 7/16/7

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